

# SENATE, No. 1089

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JANUARY 26, 2006

**Sponsored by:**

**Senator JOHN H. ADLER**

**District 6 (Camden)**

**Senator SHIRLEY K. TURNER**

**District 15 (Mercer)**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Co-Sponsored by:**

**Senators Weinberg, Buono, T.Kean, Inverso, Allen, Cardinale and Karcher**

**SYNOPSIS**

Eliminates smoking ban exemption for casinos and simulcasting facilities.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/27/2007)**

1 AN ACT amending P.L. 2005, c.383, the “New Jersey Smoke-Free Air  
2 Act.”

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 5 of P.L. 2005, c.383 (C. 26:3D-59) is amended to  
8 read as follows:

9 5. The provisions of this act shall not apply to:

10 a. any cigar bar or cigar lounge that, in the calendar year ending  
11 December 31, 2004, generated 15% or more of its total annual gross  
12 income from the on-site sale of tobacco products and the rental of  
13 on-site humidors, not including any sales from vending machines,  
14 and is registered with the local board of health in the municipality  
15 in which the bar or lounge is located. The registration shall remain  
16 in effect for one year and shall be renewable only if: (1) in the  
17 preceding calendar year, the cigar bar or lounge generated 15% or  
18 more if its total annual gross income from the on-site sale of  
19 tobacco products and the rental of on-site humidors, and (2) the  
20 cigar bar or cigar lounge has not expanded its size or changed its  
21 location since December 31, 2004;

22 b. any tobacco retail establishment, or any area the tobacco  
23 retail establishment provides for the purposes of smoking;

24 c. any tobacco business when the testing of a cigar or pipe  
25 tobacco by heating, burning or smoking is a necessary and integral  
26 part of the process of making, manufacturing, importing or  
27 distributing cigars or pipe tobacco; and

28 d. private homes, private residences and private automobiles[;  
29 and

30 e. the area within the perimeter of:

31 (1) any casino as defined in section 6 of P.L.1977, c.110 (C.5:12-  
32 6) approved by the Casino Control Commission that contains at  
33 least 150 stand-alone slot machines, 10 table games, or some  
34 combination thereof approved by the commission, which machines  
35 and games are available to the public for wagering; and

36 (2) any casino simulcasting facility approved by the Casino  
37 Control Commission pursuant to section 4 of P.L.1992, c.19  
38 (C.5:12-194) that contains a simulcast counter and dedicated seating  
39 for at least 50 simulcast patrons or a simulcast operation and at least  
40 10 table games, which simulcast facilities and games are available  
41 to the public for wagering].

42  
43 2. This act shall take effect immediately.

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

STATEMENT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19

This bill amends the “New Jersey Smoke-Free Air Act,” N.J.S.A.26:3D-55 et seq., to prohibit smoking in casinos and casino simulcasting facilities. Current law prohibits smoking in most indoor public places and workplaces, with certain exceptions, including indoor public places and workplaces which are within the perimeter of casinos and casino simulcasting facilities and accessible to the public for wagering. This bill would eliminate these exceptions from the smoking ban.

The National Institute for Occupational Safety and Health found that casino workers are at greater risk for lung and heart disease because of secondhand smoke, and a study in the Journal of Occupational and Environmental Medicine found that the air in casinos can have up to 50 times more cancer-causing particles than the air on rush-hour highways.

This bill would protect all workers in New Jersey from the hazards of second hand smoke by requiring that casinos and casino simulcasting facilities be smoke-free workplaces.